S.B.Civil Second Appeal No.301/2003
Kartar Singh
Vs.
Raja Singh and Ors.

DATE OF ORDER : - 6.3.2006

HON'BLE MR. PRAKASH TATIA,J.

Mr. S.L.Jain, for the appellant.

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Heard learned counsel for the appellant.

The two courts found that the plaintiff is not in possession of the property and also failed to prove his title of the property. Learned counsel for the appellant submits that in appeal out of four, three respondents submitted that they will not disturb the possession of the plaintiff-appellant. Therefore, the first appellate court should have decreed the suit of the plaintiff-appellant.

I considered the submissions of the learned counsel for the parties and perused the facts of the case. The said change of stand of three respondents cannot give any strength to the case of the plaintiff. It is choice of the said respondent to admit the possession of the plaintiff-appellant but that cannot take away right of other contesting respondent, who is disputing the claim of the palintiff appellant. The two courts below after appreciation of the evidence found that the

appellant is not reliable person and his case is highly improbable and suffers from more lacuna. Therefore, no decree for even injunction could have been passed by the courts below in favour of a person who failed to prove his title as well as possession.

In view of the above, I do not find find any substantial question of law is involved in this appeal.

Hence, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

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